

ASSIGNED

NO. 61944

**APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office MAR 07 1996

Returned to applicant for correction MAY 03 1996

Corrected application filed

Map filed MAY 15 1996 under 61943

The applicant The Kenneth H. Merrill, Sr. and Evelyn W. Merrill Family Trust, hereby makes application for permission to change the Point of Diversion, Place of Use and Manner of Use of water heretofore appropriated under Permit 44393, Certificate 10679

1. The source of water is Underground
2. The amount of water to be changed 0.66 cfs (100 acre feet per annum)
3. The water to be used for Commercial
4. The water heretofore permitted for Irrigation and Domestic
5. The water is to be diverted at the following point NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T37N, R62E, MDB&M., at a point from which the NE corner of said Section 10 bears N 45°38'20" E, 1442.73 feet.
6. The existing permitted point of diversion is located within NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T37N, R62E, MDB&M., at a point from which the N $\frac{1}{4}$ corner of said Section 10 bears N 57° 35' 00" W, 1956.00 feet.
7. Proposed place of use Portions of N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 10, T37N, R62E, MDB&M.
8. Existing place of use Same as Above (25.0 acres to be removed from Irrigation).
9. Use will be from January 1 to December 31 of each year.
10. Use was permitted from January 1 to December 31 of each year.
11. Description of proposed works Well, Pipelines
12. Estimated cost of works \$10,000
13. Estimated time required to construct works 3 years
14. Estimated time required to complete the application of water to beneficial use 5 years
15. Remarks: The water applied for under this application are to be used to serve: 250 Motel Rooms, Truck Wash, Truck Stop, Casino, Restaurant, Brothel, Indoor Arena, Dust Suppression and Landscaping.

HIGH DESERT Engineering, Agent
By s/ Robert E. Morley
640 Idaho Street
Elko, Nevada 89801

Compared cl/jk cl/cms

Protested

APPROVAL

OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place and manner of use of the waters of an underground source as heretofore granted under Permit 44393 Certificate 10679 is issued subject to the terms and conditions imposed in said Permit 44393 Certificate 10679 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.66 cubic feet per second, but not to exceed 100.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

October 10, 1999

Proof of completion of work shall be filed before:

November 10, 1999

Application of water to beneficial use shall be filed on or before:

October 10, 2001

Proof of the application of water to beneficial use shall be filed on or before:

November 10, 2001

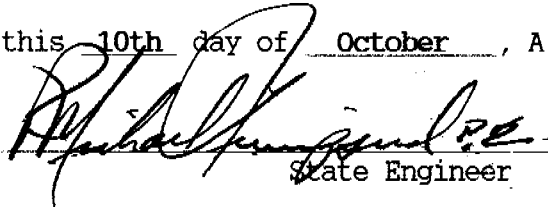
Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,
State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 10th day of October, A.D. 1996


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____